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ABSTRACT

Intended for those concerned with the prevention, control, and rehabilitation aspects of juvenile delinquency, this guide is designed to assist the instructor in using the training manual, available as VT 014 825 and VT 014 826 in this issue. Arranged in a case-by-case format, a discussion outline is provided for the police, probation, and judicial activities of each of the five juvenile offense cases. Readings which are relevant to each section are incorporated in the discussion outlines. (SB)

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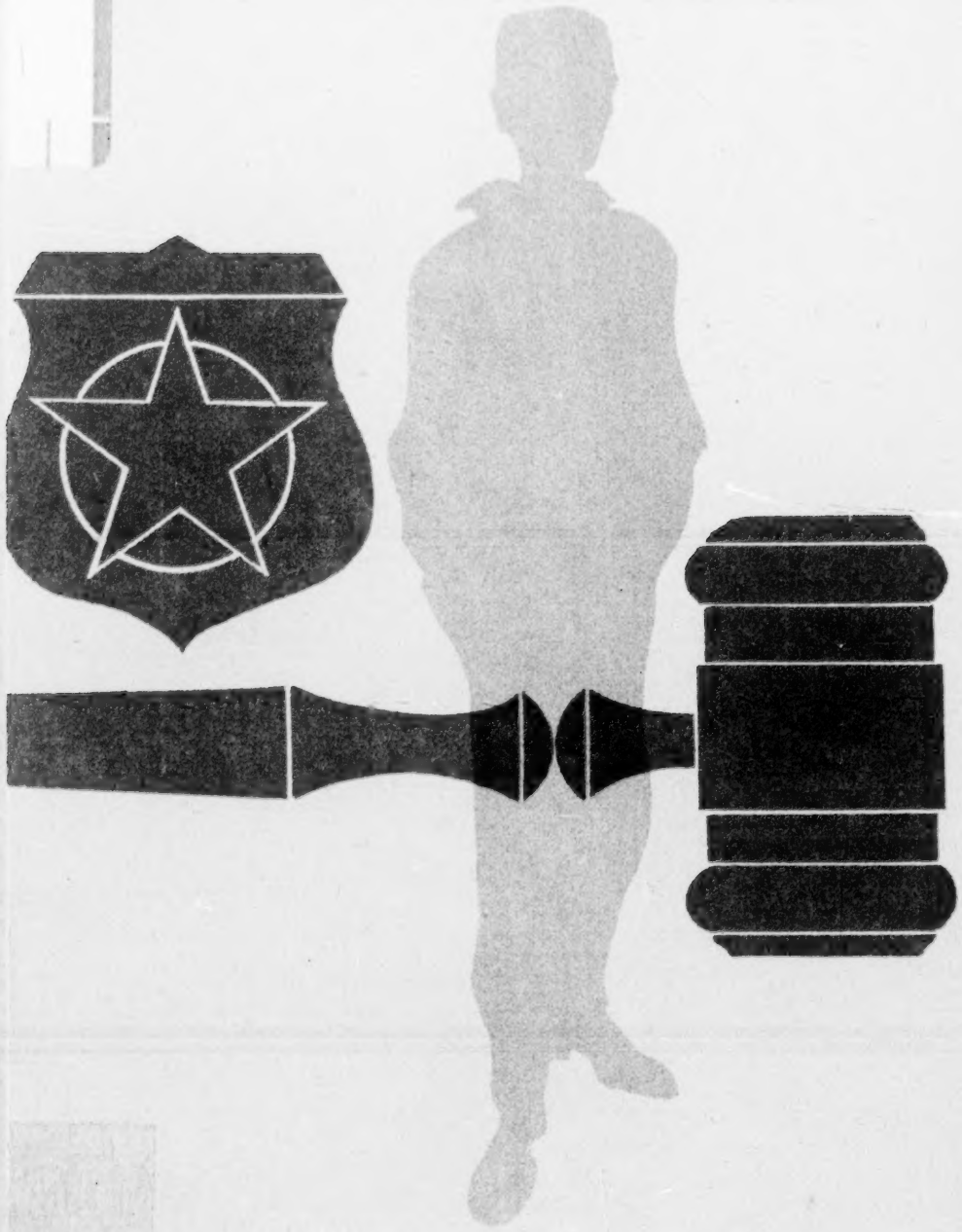
Vol. 3
Instructor's Guide



The HANDLING of JUVENILES from OFFENSE to DISPOSITION

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Vol.3
Instructor's Guide

The HANDLING of JUVENILES from OFFENSE to DISPOSITION

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PURPOSE OF THE INSTRUCTOR'S GUIDE

This Guide is not intended to teach the instructor how to teach or to tell him how to perform his professional task. Its purpose is simply to assist him in using the training manual - The Handling of Juveniles from Offense to Disposition - by enabling him to draw upon the experience gained from the experimental training institutes conducted by the School of Criminology. We hope that the instructor will look upon suggestions regarding effective use of the manual only as a basic starting point for the development of his own teaching methods.

As you know, the manual was not composed in academic isolation. From the beginning, professionals in the field were influential in determining the material to be used as well as the way in which it would be transmitted. However, the manual does not pretend to raise all the practical problems or answer all the questions; it is a tool to be employed in the training of juvenile workers and, we hope, a useful device for bridging the gap between the academic disciplines and actual field operations. In other words, the manual is not a "how to do it" book, a fact which must be emphasized repeatedly. Many of your trainees may tend to regard the written word as sacred, but in this case their anxiety may be lessened if they can learn to think of the manual as a means of developing a frame of reference and focusing discussion.

The key to successful use of the manual lies largely in your attitude toward the manual and toward your students. If you act upon the assumption that the manual is intended to set forth operational policies or transmit commandments handed down by "exper+s" or if you regard students as receptacles into which information is to be poured, the chances are that students who have completed their classes will be no better trained than when they started.

In short, the purpose of the manual is to raise questions, not to give definitive answers. It is not designed to teach the "proper" responses; rather it seeks to turn out patrolmen, probation officers, and court personnel who are sensitive to the fact that any given solution to a specific problem may possibly be improved upon and certainly should be constantly re-evaluated in the light of changed conditions and additional experience. Thus you should never say to a trainee, "You are wrong. On page ... it says that ..." It is much more useful to say, "Your point might be valid. However, on page ... a different answer is proposed. What are the consequences of the two solutions? Can we reconcile the conflict? Given two slightly different sets of circumstances, can both opinions be right?"

A student may be untrained, or "green," as the usual expression has it, but he comes to the training class with a set of attitudes derived from his experiences. His attitudes cannot be ignored and his experiences cannot be suppressed or rejected. On the contrary, the training program should help him to engage them and orient them toward his professional task.

A student's training can be considered a success if, at the end of the course, he is aware of problems that may arise in actual practice and cognizant of the full range of potential solutions. His training is not a success if he completes the program equipped only with a memorized list of

specific answers to a fixed group of questions.

Organization of the Manual

The manual was not always arranged in its present case-by-case form. The earlier version, which was used in the experimental training institutes, ignored the chronology of each case and divided the materials into four parts. Part I dealt with police action, Part II with probation action, and Part III with judicial action taken in all five cases as a group. The fourth part contained the social science readings. This format was changed after it was decided that case continuity was more meaningful and less distracting than the original arrangement.

The most effective method of presenting the material is thus case-by-case although this method may be altered if you feel it desirable. For example, police trainees might follow all the action at the police station on the night of September 20th when the five cases were initiated. However, the departmentalized approach should be avoided if possible. Much of the value in this new approach to presenting training information is the increased understanding of what takes place - or what might take place - in all the agencies concerned with a given case.

During the developmental period of the manual, it was found that trainees tended to "overlook" the social science readings. The possibility of their being read and discussed has been increased by incorporating them in the cases and by making direct references to them in the discussion sections in each case.

The instructor should be prepared for resistance, by some trainees, to any reading of the social science materials. One method of combating the "to hell with that ivory tower stuff" attitude is to tell the trainee that, by climbing such a tower once in a while, he might be able to obtain a better perspective on the functioning of the system of which he is, or will be, a part.

Organization of the Training Program

There is a great temptation to plan the training program on the lecture or note-taking system because of its ostensible low cost per student. If the purpose of the training were merely to convey information to the student, the lecture method might indeed be the least expensive. But, since the primary objective is to give the student a framework within which to fit information he already has collected or will later collect in his field experiences, the lecture method may well be the most expensive when the cost is calculated not in terms of number of students attending but in terms of students "reached" by the training.

Students can be most effectively reached if they meet in small group discussion sections. The optimum number of trainees is seven or eight, and twelve is considered the maximum. A class within these limits makes possible the give-and-take discussion which is essential for discerning and analyzing the issues.

These groups may be in inservice training programs, in specialized institutes for people in the field, or in conventional university or college settings. Whatever the composition of the group or the milieu in which the training is given, it is very important that the training programs be sanctioned by current or prospective supervisors and that selection for participation be regarded as a sign of reward and promise. The trainee must believe that his participation in the program is important to his supervisors, for experience has shown that this fact is crucial in determining whether the trainee translates

his new or expanded knowledge into practice.

It is a cold fact that many trainees will be confronted on the job by colleagues and senior personnel who are not amenable to the analysis of a number of choices before making a decision. These are the fellows who long ago worked out "solutions" and have since managed to clothe them with the sanctity of tradition. While the trainee can hardly be encouraged to be argumentative with such people, he can be discreetly made aware of the error of assuming that what has been done in the past is correct because it is sanctioned by time.

Ideally, the training groups should always be composed of trainees from more than one agency but this is usually not feasible due to departmental schedules, minimal interagency communication, and so forth. It is sometimes possible, however, to arrange for the participation of personnel from another agency for at least part of the time. The experimental institutes, for example, were attended by both police and probation workers and these groups proved to be quite animated and meaningful. If participation by mixed groups is not possible, role playing by the trainees themselves might be considered as a substitute.

Since the training program should be more than a mere how-to-do-it class, the participants should be encouraged to engage in discussion of important points and issues. As has been said before, "proper" answers to specific questions should not be encouraged. Training should be a dialogue, not a catechism, for specific situations are rarely repeated exactly in a

trainee's daily experiences but give-and-take exchanges involving conflict and perplexity occur every day.

Organization of Discussion Outlines

The most important element of this approach to training is the discussion which results from the systematic use of the manual. The discussion outlines which follow have therefore been developed to aid the instructor in focusing the trainees' attention on the important points, issues, and concepts inherent in the text. To help in presenting the material systematically, three basic themes have been developed for the 'Police' and 'Probation' sections of each case.

These themes of discretion, process, and legality are only means to an end and should certainly not be considered as significant or important phrases in and of themselves. The important thing is the frame of reference which we hope they will provide, and the instructor must admonish all "users" of the material accordingly. The themes are merely convenient devices for remembering and evaluating the numerous ideas which will be presented and they are not meant to be learned by rote. Certainly you should not feel constrained to use them at all if you do not wish to do so. If this is the case, the substance of the themes might be communicated without the titles, so to speak. However, if the themes are to be used, their definitions should be made clear to the trainees at the outset.

Discretion is the power to start action, to suspend it, or to refrain from action with regard to any given youth. Each policeman, probation

officer, and judge has such power in greater or lesser degree. Each should try his best to understand the extent of his discretion, when and how it should be used, and the implications of its use.

Process is the continuum of treatment, or handling, in which the youth is involved when he comes to the attention of the agencies of juvenile justice. The links in the chain of action are the police, the probation department, and the court, and these links are connected by significant decision points. Trainees must understand how their use of discretion will affect the particular decision point at which they contact the youngster in the process. They must remember that what happens to the youth often depends on what has happened to him in the past and what is likely to happen in the future. (See Appendix for Decision Point Charts, pp. 62-63.)

Legality, in this context, means the codified legislative philosophy and constitutional protections which are designed to be paramount to individual predilections and agency policies. The law, rather than good intentions, must be the basis for discretionary decisions.

The use of the term legality (which seems to have an overly restrictive connotation) should not obscure the emphasis which the juvenile court law places on discretion. In a very real sense, the law provides the foundation for discretion and process and thus perhaps should appear first in this trio of themes. The present arrangement is not preferential but merely conforms more closely to the flow of action as the cases proceed; the supremacy of the law can be emphasized in the court section of each case. The three

themes are not used in the court sections - these sections have 'Essential Discussion Points' which will usually be fairly legalistic in nature.

The outlines in each case closely follow the development of the ideas and issues implicit in the case material and explicit in the discussion sections following the cases in the manual. Variations in the number and importance of the topics of discussion in the five cases necessitated a somewhat fluid format for the Outlines. The 'Lead question' technique is used intermittently and the questions can be asked as given, rephrased, or merely used by the instructor as a reminder of important points.

References to the Social Science Readings are related as closely as possible to their sequence in the manual. It goes without saying that the concepts and theories in the Readings can be applicable to more than one case. For example, there is, in effect, a reference to a Case II reading ("The Swinging Set") in the outline of Case III where "tactical vs. moral behavior" is mentioned in connection with reference groups.

. . . . . .

We hope that you will find these suggestions helpful in organizing and conducting your classes.

C A S E I

D I S C U S S I O N O U T L I N E

POLICE SECTION

Summary of Facts

Richard Waters, Manuel Mariscal, and Robert Teed were picked up in a restaurant washroom, apparently under the influence of glue. There was some evidence of malicious mischief. Teed admitted stealing the glue from a hobby shop. Waters and Mariscal were reprimanded and released, but Teed was arrested and delivered to Juvenile Hall because his father refused to let him come home.

Discussion of Discretion

Discretion has two aspects:

1. The labeling of certain kinds of behavior as delinquent. The statistical incidence of delinquency can be expanded or contracted by discretionary actions because the legal definitions of delinquent conduct are not precise.

   The incident could have been classified as disturbance of the peace, malicious mischief, or petty theft. Stress the point that the classification may make a significant difference in the action taken.

   Lead Question: Should action be taken in glue-sniffing cases?

Possible Answers:

YES, it may be harmful to health or indicative of other problems.

NO, there's a danger of increasing the practice by publicizing it. Also, experimentation with glue and other "harmful" substances (alcohol, tobacco) is probably normal.

2. The decision to take action with regard to a particular youth. This decision is usually based on the circumstances of the field contact and an appraisal of the character of the youth.

   Circumstances of the field contact include such factors as the pressure of time on the officer and the influence of the site on the attitude of the youth, who may feel that he must save face in front of a crowd.

   Appraisal of the youth is based on the officer's reaction to the particular juvenile, the attitude of the youth toward the officer, and the juvenile's record, if available.

Discussion of the juvenile's record can be a logical transition to the second basic theme--that of process.

Discussion of Process

Discretion is exercised within a continuous system or process. Thus the trainee will be called upon to do his job not only with awareness of his responsibility to the youth and to the community but also with awareness of his relationship to his own agency and his agency's relationship to other agencies. For example, record-keeping is a necessary and extremely important task of most

members of bureaucracies. Records must be kept with a view to their future use. The writer, if he is the original observer of the action, acts as a camera in the field and the picture he portrays will become reality for those who use the records.

At approximately this point, discuss the following Social Science Reading:

From H. H. Gerth and C. Wright Mills, Max Weber: Essays in Sociology. Oxford University Press, New York, 1958, pp. 214-216. Reprinted by permission. Vol. 1, p. 57.

Lead Question: Why is it important to keep in mind the concept of process when exercising discretion?

When action is taken, the continuous process is either initiated or extended. Thus the officer must take into his calculations the expected consequences of his action and the consequences of the action of others who will subsequently deal with the youngster. Likewise, when deciding whether or not to take action, the officer should consider all previous action taken in the particular case. For example, the fact that police action was taken in this case does not mean that the incident was more serious than others in which action was not taken--consider the fortuitous circumstances leading to the temporary police detention of Waters, Mariscal, and Teed, who were brought in simply because the officer had to pass the station on his way home.

Detaining a youth because of the conduct of his parent (e.g., the quasi-abandonment of Robert Teed by his father) may make the juvenile's offense seem more serious

than it actually is.

Discussion of detention and its implications can serve as a transition to the next theme--that of legality.

Discussion of Legality

Discretionary decisions should conform to procedural and substantive laws.

1. Procedural laws. Discuss the differences in the laws pertaining to adult arrest and juvenile arrest. (The major difference is that in juvenile cases an arrest can be made for a misdemeanor not actually witnessed by the officer.)

   Evidence is as necessary in juvenile as in adult cases, and the same care should be taken in gathering operative facts.

   With regard to details, bear in mind the requirements of the laws. Have the requirements been met in this case? Remember the necessity of informing the parents when a juvenile is detained.

2. Substantive laws. Discuss the juvenile court philosophy as specified in juvenile court law, i.e., treatment rather than punishment.

   Discuss definitions of delinquency and delinquent tendencies. (See Sections 601 and 602 of the Welfare and Institutions Code.) If a juvenile's act is defined as delinquent, when should this result in action?

Thus the discussion of police action in Case I has come full circle to dealing once again with problems of discretion. Use this as a transition to the discussion of discretion in the Probation Section of this case.

PROBATION SECTION

Summary of Facts

The probation officer filed a 602 W&I petition alleging petty theft of glue in Teed's case. Teed's father still refused to let him come home, and the judge ordered detention for the boy's protection. The probation worker's investigation of the offense and the social situation resulted in a recommendation for institutionalization of the boy.

Discussion of Discretion

Discuss the following factors which might be taken into account when deciding whether or not to take further action, remembering that Robert Teed was the only one who was referred to the probation department and then to the court.

1. Differential dispositions of youths involved in a group offense. Do those selected for "treatment" feel unfairly treated? Do their feelings matter?
2. Probation officer's assumptions about proper behavior. Can parents be "incorrigible"? If so, should children be subjected to "treatment" because of the actions of their parents? Was Mr. Teed's irresponsibility as important a determinant as Robert's behavior?
3. The attitude of other agencies toward the youth. Has the youth a police record? A school record of poor conduct? Do these agencies want action taken? Why? Is it proper to define delinquency in terms of the difficulty a given agency is having with a youth?

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Use the last question as a transition to the problems of process--discuss with some emphasis the implications of allowing delinquency to be defined by segmented community agencies.

Discussion of Process

Is there a danger in taking at face value the records of other agencies? Discuss school reports in particular. A child's record may show a long history of absences (although this was not the case with Robert Teed), but the danger lies in jumping to the conclusion that he is a wilful truant. The absences may have been the result of illness or certain special circumstances such as an abnormal fear of school. Although the school may want the child to be classified as delinquent (and the youngster may in fact be in violation of the Education Code), there may be times when the probation officer should resist taking authoritarian action. Authoritarian action may make it impossible to eliminate the child's fear of school.

Discuss the following practical problems which result from the bureaucratic organization of the screening process.

1. Mechanical handling of cases, often characterized by early classification of all youths by a superficial and arbitrary criterion, followed by uniform treatment of all those in the given category. Was the decision to file a 602 petition in Teed's case well thought out?
2. Differential handling of cases according to the level of professional experience. Trainees must be able to distinguish between veteran colleagues who have learned from their experiences and those who continue

through the years to do the wrong things for the wrong reasons and justify themselves on the ground that "that's the way we've always done it." The tip-off is precisely the use of such an argument. Those with wisdom will be able to draw upon their experiences to illustrate the underlying reasons for taking certain actions.

Discuss the problems which result from the linking of separate agencies in the single continuous process.

a. Disagreement between the police and probation departments with regard to referral of the three youngsters. ("I think we should have gotten one of the other two along with Teed.")

b. Variation among agencies with regard to the use of referrals. Some police departments and schools are all too willing to refer. Other agencies do not refer except as a last resort. Discuss the point that this can bring about a priority classification by the referring agency regardless of the merits of the case itself.

c. The role of the professional may define the action to be taken. Definition of the difficulty in any case depends on the point of view of the professional. ("Get the father to pick up the boy from Juvenile Hall.") This is a problem for the probation officer, but it is hardly the youngster's problem.

d. The situation at the moment in other agencies can be important in a professional's decision to take action. Action is often taken after consideration of the availability of resources. Thus the underloading or over-

loading of probation services can determine whether a youth will be further processed. If Juvenile Hall had been greatly overcrowded, is it possible that Teed would have been released?

e. Sometimes the decision on the action to be taken will be made on the basis of convenience rather than legal requirements. There is a temptation to adjudicate a youth under Section 602 rather than Section 601 because of the availability of Youth Authority resources. Another possible temptation, since foster parents are easier to recruit for dependent children than for delinquents, is to establish and maintain jurisdiction under Section 600 rather than 601 or 602.

You may use the last point as a transition to the requirements of legality.

Discussion of Legality

Discuss the jurisdictional facts that should be included in a probation report. Statements should be statements and should not be embellished. Direct quotations should be used wherever possible.

Discuss problems of evidence. While any pertinent facts are technically admissible during the jurisdictional portion of the hearing, the court must make its finding on a body of evidence legally admissible in criminal proceedings if it is a 602 petition, or on a body of evidence legally admissible in civil proceedings if it is a 600 or 601 petition.

Very briefly touch upon the facts to be included in the social study. Objective, observable information is more important than evaluative information. Evaluative

information should be clearly labeled as such. ("It was her drinking that broke up the marriage.") This sounds conclusive, but the source, Mr. Teed, is not clearly specified.

Always, when deciding whether legal criteria have been met, probation officers must use discretion. Legal criteria are so broad that almost any youngster can be declared a ward of the court on the bare facts of his behavior.

Finally, what is the effect of a juvenile adjudication on a 12-year-old boy? Is society justified in removing a minor from his home if it is not positively dangerous to his safety and moral training--especially if there is no guarantee that something better will be provided? Can anyone predict what is to become of Robert Teed?

JUDICIAL SECTION

Summary of Facts

Even before the hearing, the judge doubted the probation officer's ability to prove the 602 allegation on the boy's statement alone. An attorney hired by the boy's mother appeared, and after seeing the recommendation for disposition he contested the case on the basis that no *corpus delicti* had been established. The matter was continued, and the judge suggested that the probation officer work out an informal solution or file a 601 petition.

Essential Discussion Points

The supremacy of the law--the *legality* theme--should be brought home effectively

by the happenings in this hearing. Regardless of the good intentions of any or all concerned with the processing of this case, no jurisdiction for disposition could be established because of the valid legal objection raised by counsel. Note that all of the essentially formal maneuverings of the probation officer resulted in the suggestion by the court than an informal solution be effected. This exemplifies the latitude in discretion that the juvenile court law permits in the process that it authorizes or legitimates.

In reviewing the manual's discussion of the court proceedings, be sure to review the material in the following Social Science Readings:

From Morris Rosenberg, Occupations and Values, The Free Press, Glencoe, Illinois, 1957. Preface and pp. 16-18. Reprinted by permission. Vol. 1, p. 96.

From Sophia M. Robison, Juvenile Delinquency: Its Nature and Control. Henry Holt and Company, New York, 1960. pp. 253-262. Reprinted by permission. Vol. 1, p. 102.

C A S E I I

D I S C U S S I O N O U T L I N E

POLICE SECTION

Summary of Facts

Danny Kain, Peter Anderson, Clyde Ayer, and George Feinstein were discovered in the school building at 8 p.m. by the janitor. Evidence of burglary was a broken window, an opened cash box, and a glass-cutter (in Feinstein's possession). Kain and Anderson were cited to the probation department and the other two were delivered to Juvenile Hall.

Discussion of Discretion

The officer assigned to investigate had to determine whether a crime had been committed and, if so, the specific offense; his next decision was whether or not to proceed in establishing an official case. His exercise of discretion determined that the principals involved in this incident actually entered the "treatment" process.

In this case, the officer elected to proceed with an official investigation and labeled the incident a burglary, possibly acting on the assumption that the boys had formed the intent to steal prior to entering the school building. Note Sergeant Keats' warning to the new juvenile officer: "Juvenile work is not quite like adult work. You can't make a decision solely on the offense..." Using this quotation from the manual as a point of departure, trainees might

be asked whether they agree that this offense was a burglary. (A review of the police reports does not make it clear whether the boys broke the window or whether it had been broken before they entered, and the essential element of intent to commit theft is also hazy.)

Chances are that the cases of Anderson and Feinstein (despite their poor school record and poor attitude, respectively) would have been closed at the at the police level if the officer had decided to call this a trespassing case.

The cases of these four boys can be well used to illustrate the numerous factors (or variables, to the social scientist) that affect the policeman's discretionary decisions.

1. Seriousness of offense. Use above points on classification of the offense as a burglary, and its effect in all four cases.
2. Prior record. Both Kain and Ayer had two priors but one boy was cited and the other arrested. This can also be an example of how the process itself can affect future handling of a case. Ayer was sent to Juvenile Hall since he had already been on probation.
3. Age. Note that Danny Kain was not continued in the process in his previous arrests because of his tender age, even though one of his two prior police contacts involved the technically serious classification of robbery.
4. School record. Anderson's poor grades ("...usually a bad sign")seem to have been more responsible for his citation than his involvement in the offense.

5. Association. Sergeant Keat's remark about Kain ("...and he's running with older boys") illustrates the significance of this factor.

6. Attitude. Feinstein's unwillingness to talk annoyed the police. (This theme is expanded below.)

7. Family situation. Note the officer's comments under 'Remarks' in the processing reports on all four boys. Do the trainees think that the remark about Feinstein ("foster parents apparently cannot control") is based entirely on the facts or perhaps partially on the officer's prejudice against welfare foster homes?

In this context, and focusing particularly on the variable of associates, the following should be reviewed and discussed:

From Peter Scott, "Gangs and Delinquent Groups in London," The British Journal of Delinquency, July 1956, Vol.VII, No. 1, pp. 8-20. Reprinted by permission. Vol. 1, p. 136.

The question of attitude can be expanded by reflections upon the point that the reaction of the inexperienced officer will be quite subjective at the time of initial investigation, despite a conscious effort on his part. A first offender may be very disturbed and extremely uncooperative due to the pressures of the situation. One viewpoint is that an officer should refrain from making any judgment until he has had an opportunity to learn more about the youth and the circumstances of the offense. It may well be true

that too often a youth is cast into the juvenile process because of his attitude at the time of first contact with a police officer.

Conversely, a recidivist may possess sufficient sophistication to maintain a facade of innocence and cooperation. While he is playing the role of repentant youth, he may also be manipulating his partners and the police officer, or playing one against the other, all for his personal advantage.

The negative attitude inferred by the officers from Feinstein's unwillingness to talk was undoubtedly made to seem more serious because of his possession of the glass-cutter and the newspaper clipping. Should these items be viewed as harmless status symbols or as significant cues for further investigation by the police?

Discussion of Process

Emphasize the fact that, to a large extent, it is police action which determines the number and kinds of cases which come to the attention of the court. Police may handle the matter without referral to the probation department, and in many instances without even the formality of a written police report. (Sidelight: this exercise of discretion on the part of the police means that the cases which come before the juvenile court do not in themselves give an accurate picture of the community's problems with its youth.)

When reports are prepared, they must be written with all future users of the reports in mind. Daniel Kain's processing report contains the remark, "may be psych. trouble." Point out to the trainees that such statements should be accompanied by an explanation of the way in which the officer has reached

his conclusion. An unexplained remark of this kind can hinder future processing of the case, especially by other agencies.

The mainstay of continuum in the treatment process is interagency communication and it is imperative that trainees realize this. Two important points that can be made at this juncture are (1) the necessity of indicating the source of factual information and (2) the necessity of labeling personal opinions and/or conclusions as such.

Discussion of Legality

The statutory elements of burglary were touched on briefly in the discussion of the officer's decision to classify the incident as such. This might be expanded somewhat at this point.

Lead Question: Remembering that the police delivered Ayer and Feinstein to Juvenile Hall because they were a danger to property, how many offenses must one commit or how poor an attitude must one have to be considered a danger to others?

Answer: There is certainly no widely accepted formula for answering this question. It is a recurring topic throughout the cases in the manual as it is throughout the processing of actual cases. There is hardly a more impressive example of the need for development of sound professional judgment than this one, for upon it may depend the physical freedom of youngsters who happen to come athwart the law.

PROBATION SECTION

Summary of Facts

All four cases were assigned for investigation to a new probation officer, Peter Green. Petitions alleging burglary were filed on all boys except Kain, who was placed on six-months' informal probation. Detention was recommended for both Ayer and Feinstein, but Ayer was released by the judge at the detention hearing.

After conferring with his supervisor, the probation officer decided to recommend six-months' probation without wardship for Anderson, wardship and probation for Ayer, and wardship and placement in another foster home or private institution for Feinstein.

Discussion of Discretion

Lead Question: Is mechanical handling of referrals an occupational hazard with intake probation officers?

Note that Bloom assigned the cases to Green and then immediately told him what to do with them. Do trainees feel that the volume of intake can be used as a good excuse for such mechanical treatment and decision making? Remember that the cases were processed on Monday morning.

The discretion used by the probation officer in recommending detention for Ayer and Feinstein can also be reviewed in terms of the criteria for detention discussed under the 'legality' theme at the end of the Police Section of this case. The judge obviously did not entirely approve of the recommendations;

he felt that the assurances of Ayer's parents were better reason to release than the boy's behavior was reason to detain. Should Green feel that the rejection of his recommendation was a reflection on his competence? What do trainees think about this?

Discussion of Process

The decision to subject all four boys to further treatment was realistically based on their individual and family dynamics and on their relationship to each other as well. For example, Clyde Ayer's delinquent behavior and the satisfaction he derived from it certainly was not caused by his middle-class family background or his above-average intellectual ability.

For an approach to an analysis of Clyde's "tactical" actions and reactions, the following should be discussed: "The Swinging Set"

Abstracted from a paper presented by Herman and Julia Schwendinger, April, 1962. Reprinted by permission. Vol. 1, p. 180.

In this case it was quite practicable for one probation officer to conduct all four investigations. This is a desirable practice, but what about the cases in which ten, twelve, or more youths are involved? Point out the desirability of uniformity of facts and fairness in recommendations for disposition. For example, if an investigator has strong feelings about a certain type of crime, he might well recommend a more severe disposition than would a colleague,

working on the cases of co-participants, who lack such feelings.

In the case of Danny Kain, the probation officer recommended six-months' informal probation "with an appointment at the clinic."

Lead Question: Considering current and future caseloads, might not probation for six months be just as superficial as police probation for a similar period?

Answer: Placing a youth on probation engenders certain expectations on his part, no matter whether he views the restriction as fair or unfair. When probation services do not materialize, the youth thinks that no one cares; he also realizes that no one will check on him.

Lead Question: Is psychiatric referral too often regarded as an "out" or "cure-all?"

Answer: It should be emphasized that, realistically, very few families can afford proper psychiatric treatment. The alternative is sometimes the local clinic, but the clinic usually has a long waiting list. Psychological evaluations can become meaningless if the clinician's report is composed largely of the referral information plus a five-minute interview with the juvenile. The final twist is added when the probation officer incorporates the clinical report in the report to the court.

When an entire family is "sick," treatment of an individual is something less than effective if the individual is returned to or must function in the environment that produced the problems.

Discussion of Legality

The decision to file burglary petitions was undoubtedly based largely on the classification of the incident in the police report. Comment on the fact that the officer has the discretion to determine the allegation, if any, to be filed with the court. Also note that the discussion of the boys' statements in the dialogue between Green and Brownlow never did resolve the question of intent. In this context, it should be noted that Danny Kain, in his statement, did not actually admit the burglary although the probation officer decided to state that "Daniel admits the offense alleged..."

JUDICIAL SECTION

Summary of facts

The three boys charged with burglary of the school appeared at a joint hearing and were questioned briefly but incisively by the judge. On the basis of their statements, the judge amended the petitions to trespassing in one case and trespassing and petty theft in the other two cases. Peter Anderson was placed on six-months' probation without wardship, Clyde Ayer was declared a ward of the court and placed on probation, and George Feinstein was returned to his foster home.

Essential Discussion Points

The merits of holding joint hearings can readily be discussed in the context of this case. Note that the judge excused the Anderson and Ayer families

before disposing of the Feinstein case, thereby relieving the boy of any possible embarrassment about being in a foster home.

The judge's role as "inquisitor" may also be discussed. Note that he did the questioning himself. This emphasizes the contrast with adult court, where a prosecuting attorney would develop the evidence, and demonstrates the fact that the juvenile court is usually a court of inquiry rather than an adversary tribunal.

Social Science Readings to be discussed in this section are as follows:

From Peter M. Blau, Bureaucracy in Modern Society, New York: Random House, Inc., 1956, pp. 53-59. Reprinted by permission. Vol. 1, p. 231.

"Characteristics of Total Institutions", from Criminal Law, Richard C. Donnelly, Joseph Goldstein, Richard D. Schwartz, The Free Press of Glencoe, Inc., 1962, p. 429-432. Reprinted by permission. Vol. 1, p. 241.

C A S E I I I

D I S C U S S I O N O U T L I N E

POLICE SECTION

Summary of Facts

Officer Mottar was flagged down by an elderly woman who said that her purse had been stolen. Two Negro boys, Ralph James and Matthew Johnson, were picked up after a brief chase during which one warning shot was fired. James was delivered to Juvenile Hall after police processing and Johnson was referred to the probation department by means of a citation. The initial classification of the crime was robbery, a felony under Section 211 of the Penal Code.

Discussion of Discretion

Lead Question: Should classifying this crime (or crime in general) as a felony necessarily call for relatively drastic police action?

Possible Answers:

YES, traditionally, the primary role of the police is detection and apprehension: felonies must be prosecuted. [Watch for contrast in reactions of the trainees to this felony (robbery or grand theft) and the statutory rape, also a felony, in Case V. This is good material for showing discretion at work.]

YES, police departments usually have special units or details to investigate felonies and certain procedures are required, e.g.,

booking, fingerprinting, photographing, etc. (What are the implications of these practices when dealing with juvenile offenders? Are they justified in terms of their possible future usefulness in prevention and detection of juvenile crime? Police record-keeping in juvenile cases may also be reviewed.)

YES, youth must be made to realize the serious nature of such crimes.

YES, there are various pressures at work which can affect police action. "This is the fourteenth purse snatch this month." Discuss the question in terms of the following points: external pressures--press, public, status of complainant or victim, status of the offender, availability and type of detention facilities; internal pressures--departmental policies, attitude of coworkers, experience level of officer, attitude of supervisors.

This is a good place for discussion of the following Social Science Reading: "The Police As An Occupational Group"

From William A. Westley, "Violence and The Police," The American Journal of Sociology, Vol. LIX, No. 1, (July, 1953), pp. 34-35, and "Secrecy and The Police," Social Forces, Vol. 34, No. 3, (March, 1956), pp. 254-255. Reprinted by permission. Vol. 2, p. 26.

NO, a felony, by definition, is a legal fiction in all cases disposed of by the juvenile court, except for the small percentage of remanded cases.

NO, the self-concept of the minor must be taken into consideration.

Discuss the labeling process at work and cite the possible effects of fingerprinting and mug shots. Discuss the concept of the self-fulfilling prophecy.

Lead Question: Should all available means be used to apprehend a juvenile suspect? (Note that a shot was fired in the chase of Ralph James and then bring in the topic of automobile hot chases.)

Sample Answers:

YES, a crime's a crime, no matter who commits it. The duty of the officer, etc.

YES, the subject may be lost to future apprehension if not immediately picked up. (Point out the differences in the mobility, experience, etc., of minors and adult offenders.)

NO, it just isn't worth the danger of: physical harm to the child, officer, or bystanders; damaging psychological effect upon the officer if the child is seriously injured or killed; bad publicity; civil liability if the action is hastily taken.

Lead Question: Should racial-cultural factors be of concern to the officer in deciding whether a crime has been committed or whether he should take action? (Use such "cultural" crimes as possession of a razor, fighting or challenging, obscene language, battery, statutory rape.)

Sample Answers:

YES, intragroup (i.e., Negro vs. Negro) fights and disturbances are

"normal" in the Negro community and are nothing to be alarmed about; the same thing applies to possession of razors, knives, etc. Sexual promiscuity within the Negro community is not a cause for concern unless, perhaps, welfare payments are involved.

YES, environmental pressures, such as hostile crowds, may make action uneconomical or impossible so the path of least resistance should be followed.

NO, such differential enforcement may perpetuate the feeling that all law is the white man's law and thus serve to maintain the barriers to assimilation.

NO, this is just inverse discrimination and obviously will promote delinquency.

With these questions and the hypothetical answers as a base, review the following Social Science Reading: "The Social Sources of Delinquency"

Abstracted from Delinquency and Opportunity by Richard A. Cloward & Lloyd E. Ohlin, Glencoe, Illinois: The Free Press of Glencoe, Illinois, 1960, and Walter B. Miller, "Lower Class Culture as a Generating Milieu of Gang Delinquency," Journal of Social Issues Vol. XIV, No. 3, 1958, pp. 8-16, Vol. 2, p. 31.

But today everyone knows that racial and cultural factors must be considered--when should they be considered if not at the on-the-street stage of law enforcement? The answer to this question is in the process or means used to deal with the situation.

Make This Point: to cope with (although not necessarily to condone) different types of race-related or culture-related behavior, the modern law enforcement officer must understand the forces at work which produce these problems. The following topics, studied extensively by social scientists, may then be brought out for discussion.

1. Environmental factors: emigration of Negroes; breakdown of rural social institutions which coped with traditional problems; deprivation; middle-class society's emphasis on material success and its failure to provide the means for all to attain it.

2. Reference groups: the functions of such groups in establishing behavior patterns; emphasis on "tactical" rather than "moral" behavior. ("Status would be awarded to the youth....," etc.)

3. Symbol systems: their use in Negro delinquent groups; prevalence of gutter language; inability of police and/or other agencies to communicate realistically with group members. (Cite the "Cool It Baby" newspaper advertisement during the 1964 Harlem disturbances.)

4. Ideology: the Negro freedom movement; the rationale it offers to Negroes who commit crimes; increased claims of police brutality, etc.

5. Family structure: the matriarchal system; its possible effect on the officer's processing of the case.

Discuss the following Social Science Reading at approximately this point:

From Frank Riessman, "Low Income Culture: The Strengths of the Poor," Journal of Marriage and the Family, Vol. 26, No. 4 (November 1964) pp. 417-421. Reprinted by permission.

Lead Question: Might the events have been different if the boys had been apprehended on a busy street corner in a Negro district rather than on a deserted street late at night?

Possible Answers:

YES, the spectators might have tried to prevent the arrest of the boys; the boys might not have submitted quietly to arrest if they had had the support of a sympathetic crowd.

NO, an officer who shows clearly that he is willing to take positive action can effect an arrest without difficulty.

The scientific or enlightened approach to the handling and understanding of juvenile delinquency problems may well be pioneered by the juvenile bureau in its position as a specialist department within a department.

The bureau is made up of people who must be able to operate on their own in many situations which require discretion in putting the process into effect. Individual techniques in interviewing and other investigative devices may well result in differential handling of cases. This may happen in separate but similar cases; it may even happen in the investigation of the same case. Remember that James was arrested and sent to Juvenile Hall and Johnson was cited.

(At this point you may want to discuss with the trainees the ideal conditions for interviewing.)

Again point out, emphasize, the rehabilitative process of the juvenile court law which delegates authority for discretion to the police without prescribing any special processing for felonies or other offenses.

A discussion of timing in the action to be taken may be desirable here. Point out that the timing of a given action may be as important as the content of the action--an immediate reprimand may be more meaningful and salutary than a referral by the probation agency for later action. In this context of timing, it would be well to emphasize the importance of the first contact between the police and a juvenile offender and his family.

The decision with regard to delivery to Juvenile Hall may be affected by police knowledge of conditions there and by the practices of the probation officer as well. Thoughtful consideration of the action to be taken maximizes smooth flow in the continuous process from one agency to the next.

Discussion of Legality

This point in the process--the point where police terminate their investigation or handling of a case by referring it to probation--offers a good transition to the theme of legality. The point must be made that the juvenile court law is just that, law, and not simply the policy of an extra-legal social agency. Review briefly the statutory criteria authorizing detention and compare Sections 626c and 629 of the Welfare and Institutions Code. Remind trainees that Matthew Johnson was referred to probation by means of a citation; point out

again that this document must be signed to be enforceable.

PROBATION SECTION

Summary of Facts

An experienced probation officer, Bud Haley, was assigned the task of preparing the cases of James and Johnson for court. Publicity was a matter of concern due to the victim's position in the community. Petitions alleging robbery were filed and James was ordered detained by the court; Johnson remained with his family pending the court hearing. Recommendations were wardship and probation for Johnson and commitment to the California Youth Authority for James.

Discussion of Discretion

The discretionary powers of the probation officer are somewhat more circumscribed than those of the police officer who can, in effect, "create" delinquency by categorizing behavior as such, but they are still quite extensive. This fact should be understood and appreciated by the trainees. Typically, the probation officer's decision making begins when the youth is delivered to his custody by the police with at least a preliminary report on the circumstances which make custody desirable or necessary.

It may be of value to expand the topic of discretion and speak about the explicit and implicit decisions made by the probation officer. The explicit decisions involve such questions as whether to detain or release, to file a

petition or dispose of a case informally, to recommend probation or an institution, and so on. The implicit decisions are, of course, more subtle, and are best explicated by the contents of the reports prepared--both informal records and reports and recommendations to the court. What does a probation officer include in these reports? Are the "facts" concerning the referral actually nothing more than conclusions reached by the investigator or are they objective recountals? Are the minor's statements merely interpretations of his remarks or are they accurate repetitions of his remarks to the investigator? By recognizing the two levels of decisions, the new officer may be less likely to become mechanical in processing cases.

Lead Question: What is the most important single factor in determining whether the probation officer should detain the youth in Juvenile Hall or release him: Offense? Previous history? Attitude? Probation status?

Answers:

If offense is chosen, ask why, if this is so, automatic detention is not specified by law for certain offenses.

If previous history is chosen, ask whether knowledge of a youth's prior misconduct is really important in assessing the dynamics of a new offense. For example, if the present charge is battery, does it matter that he stole a bicycle six months ago?

If attitude is chosen (and it probably will be mentioned only in combination with some other factor), point out the necessity of taking into account the minor's perception of the situation he is in. Also bring out

the danger of making a subjective appraisal of a youth's attitude as an indication of his culpability.

If probation status is chosen, ask the trainees how this is related to their answers to the question regarding the youth's previous history.

The trainees' responses to the foregoing questions, no matter what they are, can be used to illustrate the discretionary power which the probation officer has over the immediate liberty of the youth. This might be a good place to touch again on the need for professionalism in the probation officer's performance of his job because of his function in deciding whether a youth comes within the statutory reasons warranting detention. For example, how many thefts make one an "immediate and urgent threat?"

Lead Question: What should the intake interview focus on?

Possible Answer: There will be several responses to this, but a very important point is that the probation officer must try to explain the situation to the youngster. Comment on the following dialogue:

> Probation Officer: "Hello, Johnny, my name's Mr. Goode. I'm a probation officer."
>
> Johnny: "What's a probation officer for? I'm not on probation; I've never even been arrested before."
>
> Probation Officer: "I'm going to decide whether or not you should be detained and whether or not we should file a petition alleging you committed the offense."
>
> Johnny: "Oh, I see."

Johnny, of course, does not see. Point out the necessity of speaking in terms the minor can understand. This is imperative.

To detain or not to detain? Review the pressures operating at the police point of decision as to whether to take action. They are similar, with the exception of such environmental factors as hostile crowds. Refer to the probation officer's remark about public opinion: "...police are just as subject to public opinion as we are."

Discussion of Process

Once the decision to take further action is made at the intake level, the minor is continued in the mainstream (or perhaps the whirlpool) of the process. As pointed out earlier, the framework within which action takes place is studded with decision points so it is not possible or desirable to completely separate discretion from process except for frame of reference purposes. The ultimate tangible product of the probation investigation process is the Report and Recommendation to the Court. This provides a link with the court, with others in the same agency, and with other agencies (e.g., CYA, other jurisdictions where cases are transferred, etc.). These can be considered consumers of the product.

Lead Question: What should court reports contain?

Suggested Answer: There is no correct answer to this in the sense that there is no ideal style of expression or even ideal substance or content. The point to make here is the necessity of realizing and appreciating the implicit decisions made by the investigating officer when information for the report is gathered and prepared.

Refer to Section 791 of the Welfare and Institutions Code, as to jurisdiction,

and use the following questions to spur discussion and to show that there are various ways of preparing reports. Should the jurisdictional facts be confined to cold descriptive details or are evaluations and conclusions also desirable?

Is it permissible to mention prior misconduct not alleged in the petition? "...involved in the present incident, and also in a theft the night before."

What should the minor's statement contain? The problem of mentioning prior conduct comes up again here.

Note the remark that "status would be accorded to the youth who stole the most money..." Did the boy actually say this?

What about verbatim quotations? Point out that the means of expression may be as revealing as the content.

See Section 706 of the Welfare and Institutions Code, as the basis for the social study of the minor made by the probation officer. This ought to be the probation officer's stock in trade and it should be recognized as such. While he may play a tangential role in establishing jurisdiction by the minor's admission or by witnesses' testimoney, the social study is the probation officer's domain and, it is to be hoped, his sphere of competence.

The cause of social science should be advanced by the use of these training materials. Review the social studies of Matthew Johnson and Ralph James critically, with emphasis on the need for objectivity in presenting information and the need for sensitivity to the complex social factors in operation in any given case. Also review the racial-cultural material in the Police Section of this case (Vol. 2, p. 1).

What criteria are used in assessing the family situation in each case? Point

out the dangerous mistake made by the middle-class probation officer who uses his own cultural standards to reach conclusions about the way families are composed and how they operate.

Contrast the types of family structure in the two cases. Note that one is matriarchal and the other nuclear.

Note the analysis of Mrs. James' responses. "Mrs. James does not express great concern about Ralph's activities," and, a few sentences later, "Mrs. James is concerned about the type of boys...." Does this contradiction help to shed light on the case?

Criticize the remark about what Ralph James "feels". Can the probation officer really safely state what the boy <u>feels</u>?

Review Ralph James' psychological report and discuss the use of middle-class standards: "Emotional conflict and hyperactive behavior....low tension tolerance", etc. Are these not unusual in a boy of Ralph's background. Also note the inevitable use of the term, "lack of male identification in the home". Could this be expected in Ralph's mother-centered family?

As additional tools for critical analysis of the social studies, introduce and discuss the following material from the Social Science Readings:

From a speech given by J.D. Lohman before the Berkeley Unified School District Community Enlightenment Series on Youth, Fall, 1962. Reprinted by permission. Vol. 2, p. 68.

From an article by Louis Wirth in American Journal of Sociology, Vol. XLIV, No. 1 (July, 1938), pp. 8-18. Reprinted by permission. Vol. 2, p. 74.

From Seymour B. Sarason in Criminal Law by Richard C. Donnelly, Joseph Goldstein, and Richard D. Schwartz, the Free Press of Glencoe, Inc., New York, 1962. pp. 872-873. Reprinted by permission. Vol. 2, p. 82

Lead Question: Recognizing the necessity of preserving the probation system of process for future offenders, is it occasionally necessary to make an example of a given youth to placate the community and ease the pressure? (Refer to the discussion about recommending the Youth Authority for Ralph James.) Can slanting the report be justified rationally?

Possible Answer: While not desirable, this is sometimes done and it is fairly easily rationalized. Discuss this in terms of the need for informing the community at large about the philosophy of the juvenile court law.

Direct references to the law which legitimates the actions of the process's agents (police, probation officers, etc.) must be made from time to time throughout the training. For example, recall the reference to Sections 701 and 706, W&I Code, during the foregoing discussion of the probation investigation procedure.

Underscore the legalistic aspects of the probation officer's role by pointing

out that his entire range of discretion as to what to do within the process is contingent upon the jurisdiction over the minor which he receives from the law.

Point out that legality is involved in:

1. Determining whether or not a minor can be detained
2. Determining the section of the law under which to file a petition (600, 601, or 602).
3. Determining the offense or charge to allege in a 602 petition (e.g., in this case, could robbery have been alleged rather than grand theft?)
4. Determining the range of dispositions available in a given case and thereby the probation officer's recommendations (Section 725, W&I Code, et seq.)

Conclude by emphasizing that the answers to the foregoing result in essentially discretionary decisions by the probation officer within the legal framework.

JUDICIAL SECTION

Summary of Facts

After receiving a telephone call from a local politician, the judge conducted a joint hearing in the cases of Ralph James and Matthew Johnson. After the judge questioned the boys briefly, he sustained the allegation of robbery in the James case and committed James to the Youth Authority, and

dismissed the Johnson case for insufficient evidence.

Essential Discussion Points

The necessity of presenting admissible evidence is illustrated in this hearing. The probation officer's statement--"the boy obviously conspired"--was not supported by evidence so the petition was dismissed and Matthew Johnson was sent home with his parents. The probation officer, in effect, asserted that the witnesses would not have testified to anything the boys did not admit. Should the witnesses have been asked to testify? This is a good topic for discussion.

Ralph James attempted to divert attention from the question of his own guilt by implying that he was the victim of police brutality. Might the judge have used the witnesses' testimony to impress upon the mother the seriousness of Ralph's actions? The lack of positive communication between judge and boy and judge and mother was obvious. Do trainees think that communication could have been improved by altering the procedure of the hearing in any way?

The Social Science Reading covered in this section is:

From John P. Spiegel in Jules H. Masserman, M.D. (ed.), Individual and Familial Dynamics, New York, Grune & Stratton, Inc., 1959. pp. 161-175. Reprinted by permission. Vol. 2, 109

C A S E I V

D I S C U S S I O N O U T L I N E

POLICE SECTION

Summary of Facts

The patrolling officer saw five juveniles in a car and an "unopened bottle being waved around". He stopped the car and discovered that it had been stolen. All five juveniles were delivered to the juvenile bureau for processing and then two boys and one girl were delivered to Juvenile Hall.

Discussion of Discretion

Do trainees agree with the dispositions made by the police? Discuss the apparent determinants of the action taken. What slight differences might have altered the action? For example, if Ganther had not been an "arrogant squirt," would he have been taken to Juvenile Hall? Discuss the circumstances in which the boy's arrogance was exhibited.

Note the statement about the bottle being waved around. Could this have been a device by one or more of the youths to draw the officer's attention? Generalize from this to other types of "I want to be caught" behavior by juveniles and its implications for police handling of the case.

Expand the theme of juvenile drinking. Do trainees feel there is similarity between this and the glue-sniffing of Case I? Is the 12-year-old sniffer likely to develop into a 16-year-old drinker? Could this

drinking (or potential) drinking episode be considered a subcultural phenomenon? Note that Ganther took the bottle from his father's stock.

The subject of juveniles and cars is a broad and important one, for juveniles and cars account for an appreciable percentage of police work. Point out that more than 50 percent of all car thefts are committed by juveniles. This topic will carry itself fairly well since trainees are likely to be more knowledgeable about it than about most other topics. Be sure to keep the discussion channelled in terms of how this knowledge can be used in the processing of the case by the officer. Discuss the term "joyriding". Does this euphemism tend to soft-pedal the problem?

Link the two themes of juveniles drinking and being in or around cars. The dangers are apparent.

Discussion of Process

Often one type of case will develop into another type, usually more complex. Discuss the initial police investigation of Hilary Peterson's case and the fact that her home circumstances rather than her actual illegal involvement caused her to be continued in the process by being physically delivered to Juvenile Hall.

Compare Hilary's case with that of Robert Teed in Case I. Is this another example of the parent in effect making the decision for the police and later for probation? If Hilary's mother had not been so busy that Friday night, might the police have referred mother and daughter to some other social

agency such as a family service bureau?

From this point, generalize on the subject of police preventing police problems from developing by using quasi-social work programs such as citizenship schools, P.A.L.'s, etc. Should the police make referrals to agencies not specifically in the legal structure of the process? Cite the desirability of liaison or at least some fairly systematic contact between police and other agencies. The juvenile officer, as a specialist, should know the available community resources.

At this point, the following Social Science Reading may be discussed:

From William W. Wattenberg & Noel Bufe, "The Effectiveness of Police Youth Bureau Officers", Journal of Criminal Law, Criminology and Police Science, Vol. 54, No. 4, December, 1963. pp. 471-475. Reprinted by permission. Vol. 2, p. 132.

Citation referrals used in two of the cases (John Carter and Bonnie Ward) are referrals to the probation department for further screening and processing. To use the expression "citing to court" may thus be misleading to the minors and parents. While it sounds more impressive, it is not accurate. This ties in with the initial contact where the theme of communication can be touched on.

Discuss briefly the not-too-popular practice of police probation. Point out that offenders may be carried by police agencies using this system without receiving the benefits of court and probation services, etc.

Discussion of Legality

The dialogue between the police officers is perhaps not extensive enough to give a clear idea why Ganther was taken to Juvenile Hall, but there is some indication that the officers used "shock treatment" as a response to the boy's show of arrogance. Discuss the fact the "arrogance" in itself is not a legal reason to detain, although shock treatment may sometimes be expedient or effective.

Discuss the police officer's relatively broad powers of arrest over juveniles and make the point that this power should be used with great care and discretion. Aside from the philosophical rationale behind this "take care" position, it can be pointed out that abuse of power (e.g., the search and seizure controversy) can and does result in removal of power from agencies by legislative action.

PROBATION SECTION

Summary of Facts

The decision to detain further was made with regard to William Ganther, Duncan Karp, and Hilary Peterson, all of whom had been delivered to Juvenile Hall. Petitions were filed under Section 602 for the boys and under Section 601 for the girl. Detention was recommended and ordered at the detention hearing, because Karp had violated an order of the court and "for their own protection" in the case of the other two. The recommendations

were wardship and probation for Karp and six months' probation without wardship for Ganther; the Peterson girl's case was held pending further investigation. The other two minors were reprimanded and their cases closed without court action.

Discussion of Discretion

Do trainees agree with these decisions? Discuss the alternatives. Should emphasis be on detention for probationers since almost all will fit into the "violation of court order" category?

Since there is not a great deal of dialogue in the manual between the various probation officers handling the cases, it is necessary to read the court reports and deduce the decisions made. Again point out the implicit-explicit decision dichotomy and review the reports in this light. Analyze critically the following excerpts:

1. "....and the interviewer had to struggle with his own emotions in order to continue the interview."

   How can this obvious personal overinvolvement by the probation officer be remedied? What about professionalism in such cases?

2. "The boy is a trouble-maker." "John is a nice quiet boy."

   Such categorical statements--similar in nature to predictions--are dangerous and frequently incorrect. Discuss the dangers of being too dogmatic when attempting to evaluate human behavior.

3. "...and the Judge, whom Mr. Ganther knows personally...."

Name-dropping in many forms is encountered occasionally by probation officers and often by police officers. Emphasize that the trainees must be prepared to parry this and to redirect attention to the actual problem at hand.

The technique of critical analysis of content outlined here can be used extensively and fruitfully in directing discussion, but remember to point out from time to time that the reports in the manual are by no means perfect models.

Discussion of Process

Differential processing of juveniles involved in the same offense is mentioned throughout the training material, thus constantly emphasizing the rehabilitation or treatment philosophy of the juvenile court law.

Note that the girl was brought to court on charges that differed from the charges against the boys. (This should be more fully explored later in the discussion of legality.) Analyze the rationale behind this different processing--which may seem invidious to some--according to sex. Discuss the statement that girls are usually "farther gone" by the time they reach court than are boys. Ask the trainees whether they think that girls are better manipulators than boys.

The recurring theme of peer group pressures can be discussed by pointing out that Bonnie Ward and John Carter were subjected to less drastic treatment measures largely because the probation officers, and the police before

them, evaluated them as being followers. Can there be a group composed exclusively of followers, i.e., can the group structure in itself provide a dynamic force not present in the individual members?

The following Social Science Reading is related to the subject of group pressures and role-playing:

Erik H. Erikson, New Perspectives for Research on Juvenile Delinquency, edited by Helen L. Witmer and Ruth Kotinsky, U.S. Department of Health, Education and Welfare, Social Security Administration--Children's Bureau, Washington D.C., U.S. Government Printing Office, 1955. pp. 9-10. Reprinted by permission. Vol. 2, p. 193.

While differential processing and the need for it are brought home, it is also important to point out that reasonable uniformity in treatment of similar cases is equally desirable. Note that the probation officer handling John Carter's case made his disposition identical to the one made for the girl, Bonnie Ward, who, like John, had been cited.

The subject of social classes is another broad topic of importance which can be discussed briefly within the framework of this case. Note that one of the minors came from a wealthy district, another from a middle-class part of town, and the others from the poorer section. Discuss the problems peculiar to the youngster in better socioeconomic circumstances who begins to associate with "undesirables" to affect "delinquent" styles, etc. Are special techniques needed to deal with this type of youngster? Is he more abnormal than a less privileged youth who behaves the same way? What about

a family's upward mobility and the usual concomitant high standard setting, especially academic, for the children?

You may also wish to discuss the subject of broken homes. For example, compare the differences between John Carter and George Feinstein (Case II), both of whom were orphans. Point out that the use of the "broken home" catchphrase might adversely affect a juvenile's self-concept. "What do you expect, I'm from a broken home", might be his attitude if he is made to think in terms of a self-fulfilling prophecy.

Review also the use of technical jargon and what might be called "psychologize". Mention that psychological/psychiatric therapy, while a valuable addition to traditional probation services, should not be recommended indiscriminately as though it were a panacea. Discuss the Duncan Karp case in this regard.

Discussion of Legality

The most important point of legality provided by this case might be the determination of the section of the law under which to file in Hilary Peterson's case.

1. 600a? Her mother certainly seems not to be "actually exercising effective parental care or control."
2. 600b? The home may be unfit "by reason of the depravity of the mother."
3. 601? The probation officer certainly feels that she is "in danger of leading an immoral life."

4. 602? The girl did violate at least one (and possibly more) ordinances. It may be desirable to mention the fact that probation officers, and other functionaries in the process, are sometimes inclined to follow the course of action most expedient for themselves and to ignore the needs of the youth and the intent of the juvenile court law.

JUDICIAL SECTION

Summary of Facts

In court, Duncan Karp and William Ganther admitted stealing the car. The Karp disposition was, in effect, decided in chambers in a conversation between the parents and the judge; the parents agreed to accept family counseling services. Karp's mother and Ganther's father were both quite hostile to the court. Both boys were placed on probation, Ganther without wardship.

Essential Discussion Points

In this hearing the judge had more difficulty with the parents than with the boys. In an effort to impress the boys with the seriousness of auto theft, the judge called them criminals. What do trainees think of this in terms of the "dramatization of evil" concept? Did the judge provide the boys with a self-fulfilling prophecy? Did he react too strongly to the contentious attitudes of the parents?

The Social Science Readings to be covered in this section are:

Frank Tannenbaum, Crime and the Community, Ginn and Company, Boston, 1938. pp. 19-22. Reprinted by permission. Vol. 2, p. 198.

Abstract from Clifford R. Shaw and Henry D. McKay, "Social Factors in Juvenile Delinquency," Vol. II of Report on the Causes of Crime, National Commission on Law Observance and Enforcement, Report No. 13, Washington, D.C.: U.S. Government Printing Office, June 26, 1931. pp. 191-199, and passim. Reprinted by permission. Vol. 2, p. 203.

C A S E V

D I S C U S S I O N O U T L I N E

NOTE: Case V is intended primarily as a vehicle for summary and review of the previous cases. Although new issues are introduced, the instructor should utilize the factual circumstances to illustrate points which he feels have not yet been fully assimilated by the trainees.

POLICE SECTION

Summary of Facts

The mother of 15-year-old Karen Parker reported to the police that her daughter had been the victim of a sex attack in a public park. Two hours later, William Price was arrested as the alleged culprit. Two other minors ("witnesses" of sorts), Steven Bell and Diane Compton, were referred to the probation department on charges of statutory rape and immorality respectively.

Discussion of Discretion

At first this seemed to be an outrageous crime. However, should the fact that juveniles were involved both as complainants and as alleged offenders modify "normal" police reactions to rape cases?

Raise the following issues:

1. Should the decision to take action have been influenced by the vehemence of the girl's mother?
2. Why should William Price have been detained? Did his attempt to run

away have anything to do with it?

3. Discuss the "normal" sexual behavior of teenagers Is it always clear who the victim is?

Discussion of Process

In cases such as this, where emotional reactions are intense, special care is needed in keeping records of statements and admissions. Interviews must be timed properly, and careful follow-up is essential.

Discuss the "coattail effect". One couple became involved only because they were witnesses to part of the behavior of the other couple. This is another example of fortuitousness.

Discussion of Legality

In such cases great care must be taken to secure proper evidence. Note that medical evidence was obtained. What other physical evidence should be looked for in similar cases?

Records must be kept meticulously. Statements should be taken carefully and every effort must be made to protect the legal rights of the alleged offender. In this case, what would have happened if the girl had stuck to her first story and William Price had been remanded to criminal court? (Remember that Price and Steven Bell were over 16 but under 18.) Would the statement given by Price be admissible in evidence? What about advising him of his right to have an attorney?

Point out that the law is not entirely clear on this point, but, in really serious cases involving juveniles, it is likely that all the restrictions imposed on the collection and admissibility of evidence in adult cases would apply.

Discuss the problem created by the legal situation. On the one hand, police are supposed to observe strict legal procedures, which inevitably means formal handling. On the other hand, since the case might turn out after all to be a juvenile court case, informality and discretion should be emphasized. This is indeed a dilemma for the police.

PROBATION SECTION

Summary of Facts

William Price was delivered to Juvenile Hall by the police and booked for alleged attempted forcible rape. A petition alleging this offense was filed and Price was ordered detained by the court. Further investigation showed that he had not actually attempted rape so an amended petition alleging battery was filed and he was ordered released. Steven Bell and Diane Compton were also filed on, the boy for statutory rape and the girl for being in danger of leading an immoral life. Wardship and probation were recommended for Price and probation without wardship for Bell.

Discussion of Discretion

The important discretionary function of the probation officer in deciding

what type of petition to file and what offense to allege is clearly illustrated by developments in this case. This is the first example of the "amending" process which occurs from time to time when the situation demands.

Lead Question: In Price's case, would a petition under Section 601 (alleging "immoral" life) have been just as appropriate?

At approximately this point, it would be well to review and discuss the following Social Science Reading:

From James F. Short and F. Ivan Nye, "Reported Behavior as a Criterion of Deviant Behavior", Social Problems, Vol. 5, No. 3, (Winter, 1957), pp. 207-212. Reprinted by permission. Vol. 2, p. 252.

As for the amending of the petition, ask trainees for examples of other cases where amended petitions might be desirable and/or necessary. (See discussion of legality, below, for other aspects of this important topic.)

Note that the probation officer actually exercised his discretion in recommending William's release when the "facts" changed. If the boy had had a lawyer, he might have made such a request. This can be used to direct discussion to the ever-present issue of the probation officer's dual roles of prosecutor and social worker.

Note how the circumstances of Bell's case, viz., his witnessing the physical "attack", affected the probation officer's use of discretion. The "coattail effect" mentioned in the Police Section of the outline is also in operation here.

Discussion of Process

This case is a good vehicle for the review of the continuum of treatment sought by all agencies dealing with juvenile offenders. Communication between the police and the probation officers can be seen clearly from the probation officer's conversation with his supervisor about the supplemental information he received from the police.("Lt. O'Leary in Juvenile agrees with that.")

The use of psychological and/or psychiatric diagnosis and treatment facilities may also be reviewed in the context of this case. Note and discuss the liberal use of psychological jargon in the "Report of Psychodiagnostic Evaluation" on William Price. Are truisms more valuable in processing cases when they are put in such terms?

Discussion of Legality

In discussing the amending of petitions, it might be well to point out the difference between a so-called "lesser offense" and a (legally) necessarily included lesser offense. For example, trespassing is a necessarily included lesser offense in burglary, but battery is not a necessarily included lesser offense in aggravated assault.

While this topic may be a bit too legalistic to spend much time on, in view of the usually relaxed and flexible proceedings and findings of the juvenile court, it is desirable for new people in the field to at least be aware of the differences.

JUDICIAL SECTION

Summary of Facts

At individual hearings, the allegations of battery and statutory rape in the cases of William Price and Steven Bell respectively were sustained on the basis of a full admission by each boy. Price was declared a ward of the court and placed on probation, and Bell was placed on six-months' probation without wardship.

Essential Discussion Points

In these cases the court was explicitly concerned with the psychological dynamics of behavior and with the values of the peer group in which the boys functioned. The use of the psychological report and its ramifications are described in the Case V Discussion Section in the manual and should be reviewed here. This is a popular topic which should result in lively discussion among trainees.

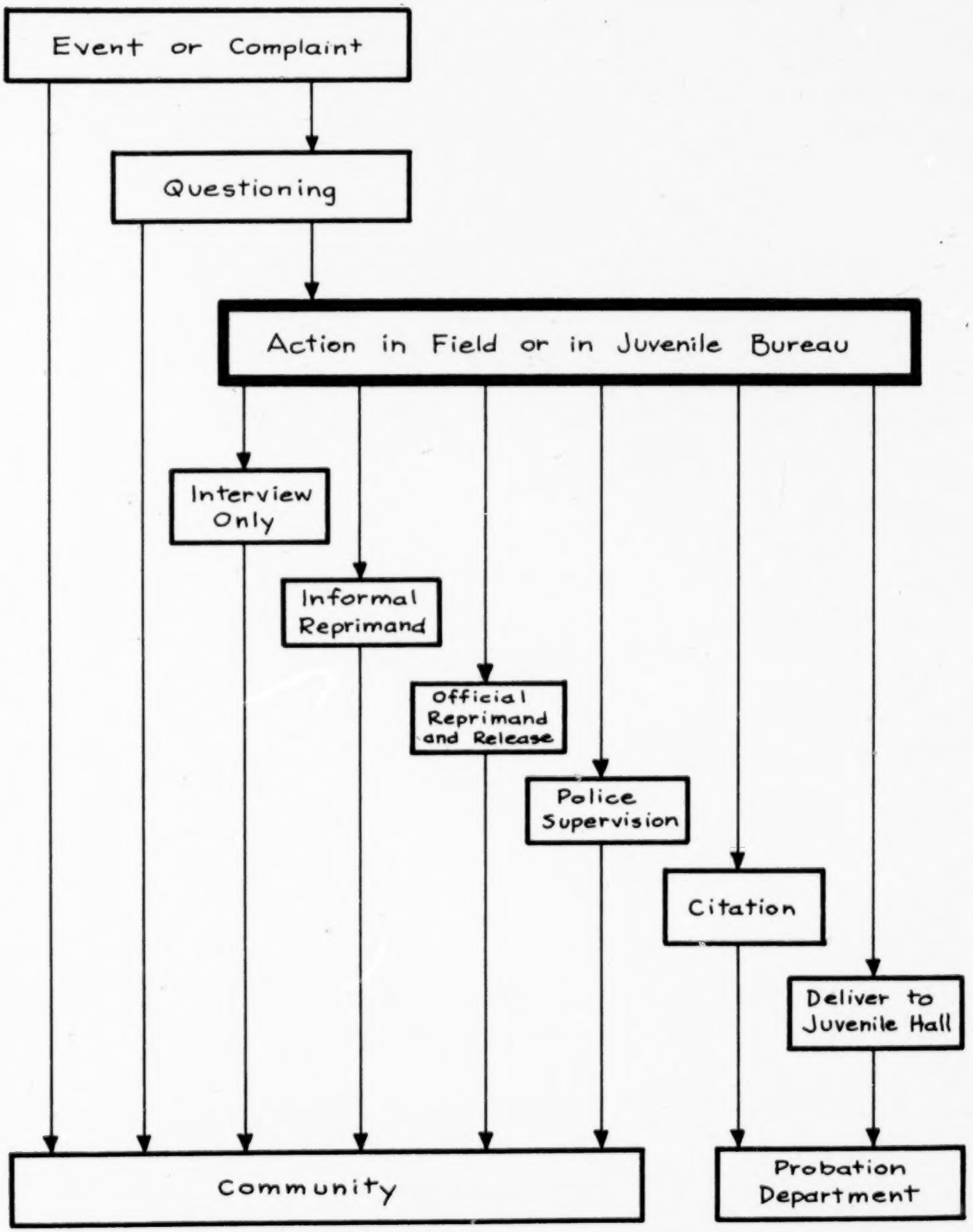
The subject of unrealistic moralizing by the court may also be meaningfully discussed in the context of these cases. Does the judge feel more comfortable in being righteous about the force used in the Price case than in handling the discussion of the sex motive in the Bell case? What do the trainees feel about this?

The Social Science Reading for discussion and review in this case is:

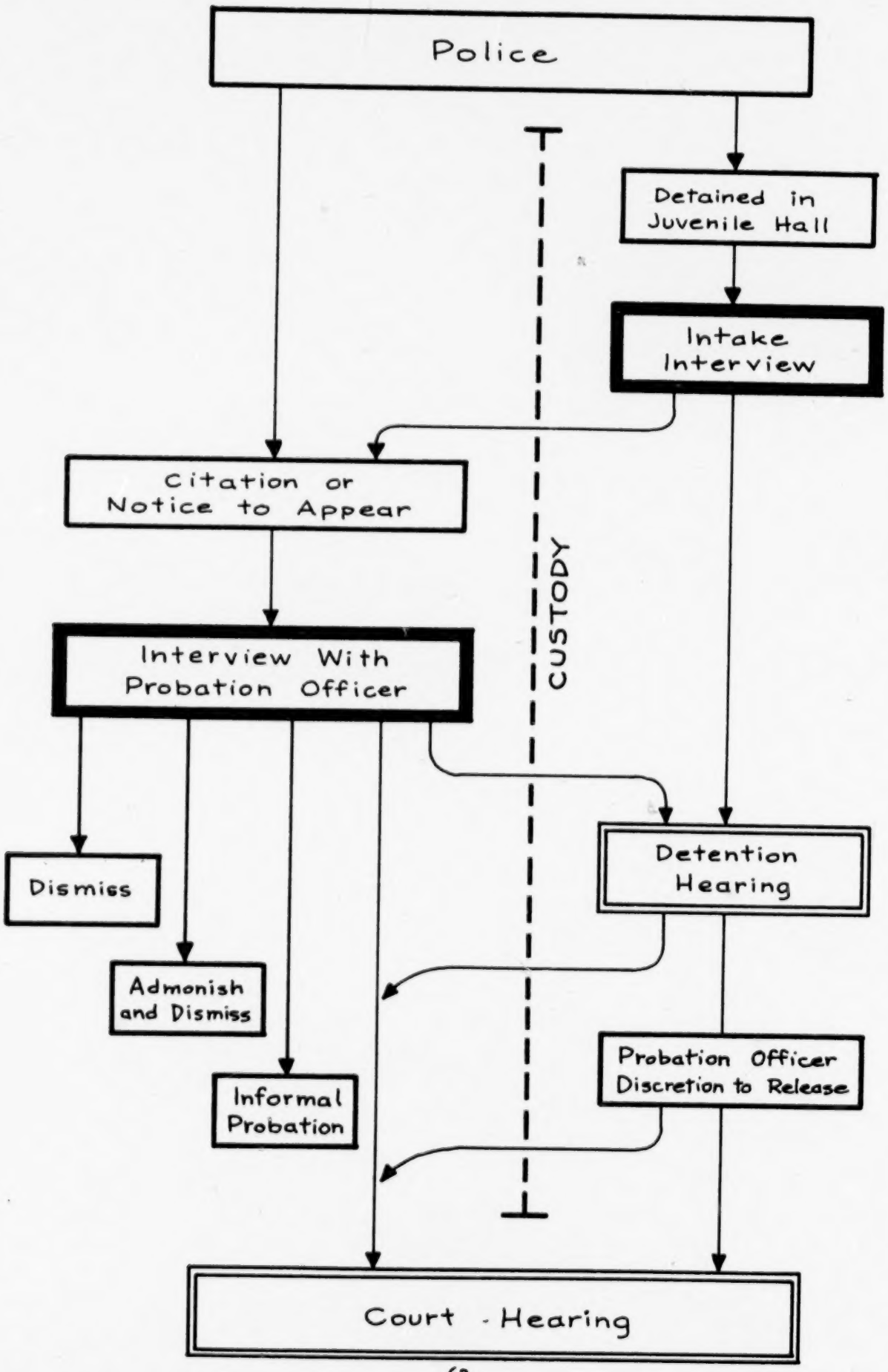
Paul W. Tappan, Juvenile Delinquency, McGraw-Hill Book Company, Inc., 1949. pp. 4-11. Reprinted by Permission. Vol. 2, p. 284.

APPENDIX

DECISION POINTS IN POLICE HANDLING OF JUVENILES



DECISION POINTS IN PROBATION HANDLING OF JUVENILES



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